

Sec. 13. Minnesota Statutes 1980, Section 136A.86, is amended by adding a subdivision to read:

Subd. 4. Any data, reports, studies, tapes, or other documents prepared by contractors for the board under this program shall be the exclusive property of the board, and those materials shall be remitted to the board upon completion, termination, or cancellation of any contract or agreement with the board.

Sec. 14. **[136A.237] CERTIFICATION.**

The Minnesota higher education coordinating board shall develop, before February 1, 1982, the necessary procedures to provide that the essential financial needs of students who have been recipients of tuition subsidies pursuant to section 136A.236 are met through the provisions of sections 136A.09 to 136A.131.

Sec. 15. **EFFECTIVE DATE.**

Sections 1 to 14 are effective the day following final enactment.

Approved May 29, 1981

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**CHAPTER 301 — H.F.No. 487**

*An act relating to state and local government; providing for the appointment of additional members to the Ramsey County civil service commission; establishing an additional principal assistant position in the unclassified service for the Ramsey County Sheriff's Office; designating the office of county abstract clerk as an agency of Ramsey County; regulating the clerk's salary; providing for the employment of university or college students in the city of Minneapolis; providing for the disposition of tax-forfeited property within the capitol area; authorizing the clerk of probate court in the second district to collect a certain library fee; requiring fees to be taxed to the state and certain other government subdivisions in certain criminal prosecutions; requiring the state and the city of St. Paul to pay fees in civil actions; providing for compensation for Ramsey County conciliation court referees; amending Minnesota Statutes 1980, Sections 15.50, Subdivision 6; 140.21; 488A.20, Subdivision 4, 488A.23, Subdivision 6; 488A.30, Subdivision 1; 488A.31, Subdivisions 1 and 5; 488A.33, Subdivisions 5 and 8; 488A.34, Subdivision 2; Laws 1980, Chapter 612, Section 3; Laws 1974, Chapter 435, Sections 3.02, Subdivisions 2 and 6, as amended; and 3.11.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Laws 1974, Chapter 435, Section 3.02, Subdivision 2, as amended by Laws 1978, Chapter 745, Section 1, is amended to read:

**Changes or additions are indicated by underline, deletions by ~~strikeout~~.**

Subd. 2. **APPOINTMENT OF CIVIL SERVICE COMMISSION, TERMS.** (a) The board of county commissioners of Ramsey county shall by majority vote, appoint three persons as the first members of a civil service commission to serve for terms of two, four and six years. On or before August 1, 1981, the board shall appoint two additional members to serve on the civil service commission, making a total of five commission members. One new member shall serve for a term of five years and the other for three. As the term of each commissioner expires, the board of county commissioners shall fill the vacancy for a term of six years.

(b) No person may act as a member of the civil service commission while holding a public office, or while holding office in a political party above the state legislative district level, nor for two years after having held this kind of public or political office.

(c) Each member of the commission must be a resident of the county.

(d) The board of county commissioners shall fill a vacancy occurring within a term for the unexpired portion of the term.

(e) Each commissioner shall hold office until his successor has been appointed and has qualified.

(f) The commission shall organize by electing one of its members as chairman and one as secretary. The commission shall hold regular meetings at least once a month and may hold the additional meetings that may be necessary to discharge the duties of the commission. Twenty-four hours notice of special meetings shall be given members.

Sec. 2. Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended by Laws 1978, Chapter 745, Section 1, Laws 1979, Chapter 313, Section 2, and Laws 1981, Chapter 52, Section 1, is amended to read:

Subd. 6. **CLASSIFICATION OF SERVICE.** (a) **DEFINITION OF COVERAGE.** The officers and employees of Ramsey County and of a county or joint county and city agency, board, commission or committee supported in whole or in part by taxation upon the taxable property of the county, or appointed by the judges of the district court or probate court for the county, or by a board or agency composed of representatives of the county and a city in the county and employees employed in hospitals, preventoria, county nursing homes, and the welfare department are divided into the unclassified and classified service.

(b) **UNCLASSIFIED SERVICE.** The unclassified service comprises:

(1) An officer elected by popular vote or a person appointed to fill a vacancy in such an office.

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(2) *The head or principal administrative officer of a separate department of county government or agency created by law, the director of the welfare department.*

(3) *A chief deputy or principal assistant for each elected public official and for the county engineer and veterans' service officer.*

(4) *Each doctor, intern, student nurse and intern dietician employed by the county or a county agency.*

(5) *Each member of the teaching staff, supervisor and principal in the employ of the county, actually engaged in teaching or the supervision of teaching.*

(6) *A member of a board or commission appointed by the county, or the county and the city, or acting in an advisory capacity.*

(7) *A weed inspector, election judge, election clerk or other employee employed by the county for a limited period of time.*

(8) *A special police officer or special deputy sheriff serving without pay.*

(9) *A judge, court administrator, court reporter, receiver, referee, examiner or assistant examiner of titles, public defender, arbiter, juror, clerk of probate court or a person appointed by the district or probate courts to make or conduct a special inquiry of a judicial and temporary character.*

(10) *The director of court services and three principal assistants or division supervisors.*

(11) *The employees of the municipal court of Ramsey County and the judicial district administrator's office.*

(12) *The principal administrative officer of the detention and corrections department, his first assistant, the superintendant of each departmental facility and his first assistant or chief deputy.*

(13) *The chief executive officer of St. Paul-Ramsey Hospital and seven principal assistants.*

(14) *The executive secretary or the principal administrative officer of the county and seven principal assistants, appointed and terminated by the executive secretary or the principal administrative officer, except that until January 1, 1980 such appointments and terms shall be submitted to the Ramsey County government study commission. Such consideration shall be advisory only.*

(15) *The Ramsey County Sheriff, his chief deputy, ~~two~~ three principal assistants and a personal secretary.*

(16) *The Ramsey County attorney, his first assistant, one principal assistant, and a personal secretary.*

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(c) **CLASSIFIED SERVICE.** (1) The classified service includes all other offices or employments in the county and county agencies, and all officers and employees not expressly placed in the unclassified service.

(2) Each employee in the classified service is placed in a graded division except an employee whose position is in a certified bargaining unit as defined under the public employment labor relations act and an employee in an ungraded division established by the county board. The ungraded division, if one is established, includes each employee in a construction trade who is engaged in the work of repair, alteration or construction of buildings for which trade there is a generally established and recognized scale of wages inside the county.

(3) (A) The superintendent and assistant superintendent of the Ramsey County nursing home are in the classified service.

(B) The provisions of Minnesota Statutes, Section 393.07, Subdivision 5, are hereby superseded insofar as they may be inconsistent with this section.

Sec. 3. Laws 1974, Chapter 435, Section 3.11, is amended to read:

Sec. 3.11. **ABSTRACT CLERK.**

(a) Subdivision 1. TERM. In Ramsey county an abstract clerk shall be elected at the general election for county officers and his term of office is for four years and until his successor is elected and qualified.

(b) Subd. 2. DUTIES. (1) The abstract clerk of Ramsey county has the sole and exclusive power, and it is his official duty to make out all official abstracts of title affecting real property inside the county, as an official thereof, and the register of deeds shall have no power or authority in the premises whatsoever.

(2) The duties of the Ramsey county abstract clerk do not impair the power of any private person, company or corporation to make out abstracts of title as provided by the general laws of this state.

(c) Subd. 3. DUTIES AND FEES. (1) (A) The records and indices in the office of county abstract clerk are public records, open to inspection, but only to the extent in this ~~subsection~~ section provided.

(B) Subd. 4. Each record, index, abstract, copy, plat, bookkeeping record, or paper of any type whatsoever, prepared in the office, is the property of the county for the use of the county abstract clerk and his successors in office, and, at the end of the term of an abstract clerk, shall be turned over to his successor in office.

(C) Subd. 5. The county abstract clerk shall permit, without fee and within reasonable business hours as not to interfere with the conduct of the work of the office, and under supervision to assure the safety of the records,

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inspection of the tract index as hereinafter defined, by a party interested in the ownership of a particular parcel of land, or his agent or attorney. There is no right on the part of anyone to make general or indiscriminate searches of the records or to copy a part thereof to make abstracts of title or abstract books or in any manner to deprive the abstract clerk of the fees provided by law for his official duties.

~~(D)~~ Subd. 6. Whoever destroys, attempts to destroy, deface, or alter any record in the office of the county abstract clerk is guilty of a gross misdemeanor.

~~(2)~~ ~~(A)~~ Subd. 7. The county abstract clerk shall maintain, current as of 8 o'clock a.m. each business day, abstract indices to the land of the county, including a tract and miscellaneous system of indices, correctly indexing each instrument filed of record in the office of the register of deeds in the county which in any manner affects the title to real property inside the county. He shall maintain currently correct as of each day, indices to all judgments in any court which are a lien on real property inside the county and all federal tax liens. He shall maintain the other and further abstract records and indices that the board of county commissioners of the county directs.

~~(B)~~ Subd. 8. The county abstract clerk shall furnish, within ten days, upon demand of anyone and proffer of his fees, a complete, true and perfect abstract of title to a parcel of land in the county.

~~(C)~~ Subd. 9. The county abstract clerk shall, without fee and within reasonable hours as not to interfere with the conduct of his office and under reasonable supervision to assure the safety of the public records, permit the use of records in the office by duly authorized representatives of other state, county, municipal or federal governmental agencies for public purposes.

~~(D)~~ Subd. 10. The county abstract clerk shall furnish to anyone, within 48 hours of demand, and without fee, an oral report of the apparent ownership and apparent unsatisfied encumbrance as to a parcel of land inside the county, but he shall not be responsible under the bond herein required, for the correctness of a report furnished without fee.

~~(E)~~ Subd. 11. The county abstract clerk shall not be required, without demand and proffer of fees as herein set forth, to furnish a report of personal judgments in a court against a person, firm or corporation.

~~(F)~~ Subd. 12. The county abstract clerk and his deputies and employees shall not be permitted to practice law, or demand or receive a fee for an opinion as to the condition of the title to a parcel of real estate, save as to reports of the apparent record ownership, nor to prepare or execute papers incident to the transfer of title to real property or in any manner act as advisor or counsellor at law or as agent for the sale of real property or in any manner assume the function of lawyer, real estate broker or advisor.

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(G) Subd. 13. The county abstract clerk may appoint a deputy county abstract clerk to act in his stead and behalf, and for whose acts the county abstract clerk is responsible.

(3) Subd. 14. The board of county commissioners in Ramsey county shall appoint each year a committee to inspect the records and the conduct of the office of the county abstract clerk, the committee to consist of an accountant representing the office of the county auditor, a representative of the county attorney's office and one member of the board, each of whom will serve without further compensation than provided by law for their respective positions. The committee shall inspect the records of the office of county abstract clerk at least once each year and report to the board of county commissioners on the fees collected, the public service rendered, the condition of the public records therein contained and the general conduct of the office. The committee shall before January 1, 1982 complete a comprehensive audit of the records of the office of the abstract clerk for calendar years 1980 and 1981. The county abstract clerk shall permit the committee to inspect each record of whatsoever nature having to do with his conduct of the office upon demand at any time.

(4) Subd. 15. The county abstract clerk ~~may~~ shall charge, collect and retain for ~~his own~~ the use of the county, fees for his services ~~to which shall be set by the county board.~~ If the county board does not set the fees to be charged, the county abstract clerk may set the fees. The county board shall also set the compensation of the abstract clerk, the deputy and employees and appropriately incorporate them into the Ramsey county civil service system.

(5) Subd. 16. Before the county abstract clerk enters upon his duties, he shall give bond to the county, at county expense, in the penal sum of \$5,000, to be approved by the county board, conditioned that he will faithfully discharge the duties of his office, and shall give bond to the public, in the penal sum of \$10,000, at his own expense, to be approved by the county board, conditioned that he shall pay all damages suffered by anyone through any error deficiency in any abstract of title or registered property report issued by his office.

(6) Subd. 17. The board of county commissioners of Ramsey county shall fill each vacancy in the office of county abstract clerk, for whatever cause, by appointment. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies.

Subd. 18. The office of county abstract clerk is an agency of Ramsey county for the purposes of the Ramsey county civil service statute and the public employment labor relations act and for all other purposes provided by law.

Sec. 4. Laws 1980, Chapter 612, Section 3, is amended to read:

Sec. 3. SAINT PAUL AND MINNEAPOLIS, CITY CITIES OF; EMPLOYMENT OF UNIVERSITY OR COLLEGE STUDENTS.

Notwithstanding any contrary provision of the Saint Paul city charter and the Minneapolis city charter or, a statute, including the veterans preference act, or a civil service rule or regulation, the governing body or any board or commission of the city of Saint Paul and the city of Minneapolis having authority to hire employees may employ university, college, or professional school students pursuant to an intern or other training program ~~related to their academic endeavors~~ when the program is sponsored or substantially financed by the state or the United States or by a philanthropic foundation or organization. Persons hired under a program shall be in the unclassified service of the city and serve at the pleasure of the body employing them. No full time appointment under this section shall exceed one year. Persons employed under this section shall be excluded from the provisions of Minnesota Statutes, Sections 268.03 to 268.24.

Sec. 5. Minnesota Statutes 1980, Section 15.50, Subdivision 6, is amended to read:

Subd. 6. (a) The city of Saint Paul shall have the power to convey without compensation therefor to the state any property owned by it within the boundaries of the capitol area pursuant to the plan adopted by the board; and the state shall have the authority to transfer to the city of Saint Paul without compensation any property acquired by it for the purposes of Laws 1969, Chapter 1150, which lies within the street lines of the streets to be established as a part of the city's portion of said plan.

(b) The tax-forfeited lands which are held by the state in trust for the several taxing subdivisions of the state and which are within the boundaries of the capitol area as fixed by the plan recommended to the governor by the governor's advisory committee or by the plan adopted by the board as provided in Laws 1969, Chapter 1150, shall not, except as provided in this subdivision, be subject to sale or repurchase under any act, now in effect or hereafter enacted unless it shall be expressly provided in such act that the provisions of Laws 1969, Chapter 1150, shall be superseded, modified or repealed.

The following procedure shall be used with respect to the tax-forfeited lands within the boundaries of the capitol area:

(1) When the state gains custody of the tax-forfeited lands in the capitol area which are to be held in trust for taxing subdivisions of the state, the Ramsey county board of commissioners shall compile a list of these lands after the fee ownership has been recorded in the county recorder's office and submit the list to the board. The list shall include a property description of the tax-forfeited parcel and a listing of the buildings or structures thereon.

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(2) Within 90 calendar days after receipt of the Ramsey county board of commissioners' list, the board, at its discretion, may: (i) direct the commissioner of revenue to release the tax-forfeited parcel from the trust for the taxing subdivision of the state, which action shall vest unencumbered title to the property in the name of the state; or (ii) authorize the parcel to be disposed of pursuant to chapter 282, provided that the parcel be thereafter utilized in accord with a portion or all of the standards, policies or guidelines in the board's comprehensive use plan.

(3) If the board fails to act within the prescribed 90-day period, the tax-forfeited parcel's disposition shall be governed by chapter 282.

(4) Unless and until the commissioner of revenue releases a tax-forfeited parcel from the trust for the taxing subdivision and during the aforementioned 90-day waiting period, the Ramsey county board of commissioners is authorized to maintain the parcel to minimize risks to persons and property contiguous to the parcel. If the parcel is conveyed from the trust to the state, the commissioner of administration shall assume these maintenance responsibilities.

(d) The commissioner of revenue shall ~~have power,~~ upon application by the board ~~to,~~ release any lands referred to in clause (b) from the trust in favor of the taxing subdivisions of the state. Upon the execution of such release, the commissioner shall certify the fact of such release to the county auditor of Ramsey county. The forms of such release and certificate shall be prescribed by the attorney general.

(e) Neither any member of the board, nor any person employed or retained by the board shall have any financial interest, direct or indirect, in any business enterprise or activity, or in the construction or maintenance of facilities for such enterprise or activity, within the capitol area for which approval of the board is in any way required by law. Any person violating the provisions of this paragraph shall be guilty of a gross misdemeanor.

Sec. 6. Minnesota Statutes 1980, Section 140.21, is amended to read:

**140.21 LIBRARY FEE.**

Subdivision 1. The clerk of the district court of the second judicial district and the clerk of the probate court of the second judicial district shall collect a law library fee from each plaintiff and person commencing a civil action in district court or commencing a proceeding in probate court, at the time of the filing of the first paper and in the manner in which other fees are collected and in addition thereto, and shall collect a law library fee from each defendant and each other adverse or intervening party, when his appearance is entered in the action or when the first paper on his part is filed.

Subd. 2. The law library trustees shall, with the approval of the Ramsey county board of commissioners, set the amount of the library fee.

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Subd. 3. The law library fee is a cost in the action and taxable as such, and is to be allotted for the support of the library.

Sec. 7. Minnesota Statutes 1980, Section 488A.20, Subdivision 4, is amended to read:

Subd. 4. **DISPOSITION OF FINES, FEES AND OTHER MON- EYS; ACCOUNTS.** (a) Except as otherwise provided herein and except as otherwise provided by law, the administrator shall pay to the Ramsey county treasurer all fines and penalties collected by him, all fees collected by him for services of himself, all sums forfeited to the court as hereinafter provided, and all other moneys received by the administrator.

(b) The administrator of court shall for each fine or penalty, provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed and the total amount of the fines or penalties collected for each such municipality or other subdivision of government.

(c) The state of Minnesota and any governmental subdivision within the jurisdictional area of the municipal court herein established may present cases for hearing before said municipal court. In the event ~~that~~ the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Ramsey county, all fines, penalties and forfeitures collected shall be paid over to the county treasurer except where a different disposition is provided by law, and the following fees shall be taxed to the state or governmental subdivision other than a city or town within Ramsey County which would be entitled to payment of the fines, forfeitures or penalties in any case, and shall be paid to the administrator of the court for disposing of the matter. The administrator shall deduct the fees from any fine collected for the state of Minnesota or a governmental subdivision other than a city or town within Ramsey County and transmit the balance in accordance with the law, and the deduction of the total of the fees each month from the total of all the fines collected is hereby expressly made an appropriation of funds for payment of the fees:

(1) In all cases where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without a trial.....\$5

(2) In arraignments where the defendant waives a preliminary examination.....\$10

(3) In all other cases where the defendant stands trial or has a preliminary examination by the court.....\$15

(4) The court shall have the authority to waive the collection of fees in any particular case.

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(d) At the beginning of the first day of any month, the amount in the hands of the administrator which is owing to any municipality or county shall not exceed \$5,000.

(e) On or before the last day of each month, the county treasurer shall pay over to the treasurer of each municipality or subdivision of government in Ramsey county one-half of all fines or penalties collected during the previous month from those imposed for offenses committed within such municipality or subdivision of government in violation of a statute, an ordinance, charter provision, rule or regulation of a city. All other fines and forfeitures and all fees and costs collected by the county municipal court shall be paid to the treasurer of Ramsey county who shall dispense the same as provided by law.

(f) Amounts represented by checks issued by the administrator or received by the administrator which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

(g) The administrator may receive negotiable instruments in payment of fines, penalties, fees, or other obligations as conditional payments, and is not held accountable therefor but if collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

Sec. 8. Minnesota Statutes 1980, Section 488A.23, Subdivision 6, is amended to read:

Subd. 6. **EXEMPTIONS FROM FEES; NO TRIAL FEES.** No filing fees, trial fees or fees for other services are payable by the ~~state, county or city.~~

Sec. 9. Minnesota Statutes 1980, Section 488A.30, Subdivision 1, is amended to read:

Subdivision 1. **JUDGES.** (a) The judges of the municipal court shall serve as judges of the conciliation court for such periods and in such rotation as the judges may determine. While so serving they shall act and be known as conciliation judges.

(b) The municipal judge who conducts the conciliation court hearing shall act upon any applications to vacate a judgment or an order for judgment whatever the grounds may be and shall sign the certificate upon a removed cause, but any other municipal judge may act upon such an application or sign such a certificate in the event that the judge who conducted the hearing has not previously denied the application and cannot act upon the application promptly or sign the certificate due to expiration of his term, death, disability, absence from the courthouse or any other cause.

(c) A majority of the judges of the municipal court may appoint attorneys to act as referees in conciliation court. A majority of the judges of

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the municipal court shall establish qualifications for the office, specify the duties and length of service of such referees, ~~and.~~ The board of Ramsey county commissioners is authorized to fix the compensation not to of such referees. The compensation shall not exceed \$50 \$75 per day or any part thereof. This compensation is payable out of the county treasury at the same time and in the same manner as salaries of the judges of conciliation court.

Sec. 10. Minnesota Statutes 1980, Section 488A.31, Subdivision 1, is amended to read:

Subdivision 1. **FILING FEE.** An action is commenced against each defendant when the complaint is filed with the administrator of conciliation court and a filing fee ~~of \$3~~ set by the board of Ramsey County commissioners is paid to the administrator or the prescribed affidavit in lieu of filing fee is filed. No filing fee is payable by the county.

Sec. 11. Minnesota Statutes 1980, Section 488A.31, Subdivision 5, is amended to read:

Subd. 5. **COUNTERCLAIM.** (a) The defendant may interpose as a counterclaim any claim within the jurisdiction of the court which he has against the plaintiff whether or not arising out of the transaction or occurrence which is the subject matter of the plaintiff's claim.

(b) The counterclaim shall be interposed by filing with the administrator a brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant, his attorney or agent, and paying a ~~filing fee of \$3~~ filing fee set by the board of Ramsey County commissioners to the administrator. The administrator shall draw up the counterclaim on request. No filing fee is payable by the county.

(c) The administrator shall note the filing of the counterclaim on the original claim, promptly notify the plaintiff by mail of the filing and set the counterclaim for hearing on the same date as the original claim.

(d) The counterclaim shall be filed not less than five days before the date set for court hearing. The judge, in his discretion, may thereafter allow the filing of a written or oral counterclaim before or after hearing the merits of the claim and counterclaim. The judge, in his discretion, may require the payment of absolute or conditional costs up to ~~\$25~~ \$50 by the defendant to the plaintiff as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such late filing.

(e) If the defendant has a counterclaim which exceeds the jurisdiction of the court and the defendant files an affidavit by himself, his attorney or agent with the administrator not less than five days before the date set for court hearing showing that he has filed with the administrator of a specified other court of competent jurisdiction a complaint seeking recovery from the plaintiff

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on the counterclaim and stating the nature and amount thereof, the administrator shall strike the action from the calendar and so advise the plaintiff by mail. If the plaintiff not less than 30 days nor more than three years after the filing of such an affidavit shall file an affidavit showing that he has not been served with a summons in the other action or that the other action has been finally determined, the administrator shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter-affidavit is filed by plaintiff within three years, his original claim is dismissed without prejudice without any further action by the administrator or any judge. Prior to the expiration of this three year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

Sec. 12. Minnesota Statutes 1980, Section 488A.33, Subdivision 5, is amended to read:

Subd. 5. **VACATION OF ORDER FOR JUDGMENT WITHIN ~~TEN~~ 20 DAYS.** When a default judgment or a judgment of dismissal on the merits has been ordered for failure to appear, the judge, within ~~ten~~ 20 days after notice thereof was mailed, may vacate the order for judgment ex parte and grant a new hearing, if the defaulting party shows lack of notice, mistake, inadvertence, or excusable neglect as the cause of his failure to appear. Absolute or conditional costs not exceeding ~~\$25~~ \$50 to the other party may be ordered as a prerequisite to that relief. The administrator shall notify the other party by mail of the new hearing date.

Sec. 13. Minnesota Statutes 1980, Section 488A.33, Subdivision 8, is amended to read:

Subd. 8. **VACATION OF JUDGMENT AFTER ~~TEN~~ 20 DAYS.** When a defendant shows that he did not receive a summons before the hearing within sufficient time to permit a defense and that he did not receive notice of the order for default judgment within sufficient time to permit him to make application for relief within ~~ten~~ 20 days or shows other good cause, a judge may vacate a default judgment after notice to the plaintiff and grant a new hearing on the merits with or without payment of absolute or conditional costs. The administrator shall notify the parties by mail of the new hearing date.

Sec. 14. Minnesota Statutes 1980, Section 488A.34, Subdivision 2, is amended to read:

Subd. 2. **PROCEDURE FOR REMOVAL OF CAUSE.** No cause shall be so removed unless all the following acts are performed by the aggrieved party within ~~ten~~ 20 days after the date the administrator mailed to him notice of the order for judgment:

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(a) Serve on the opposing party or his attorney a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six persons or by the court without a jury is demanded. Service shall be made upon a party in accordance with the provisions for personal service of a summons in the municipal court or shall be made upon the party's attorney in accordance with the provisions for service of a notice of motion upon an attorney in the municipal court. The demand shall show the office address of the attorney for each party and the residence address of each party who does not have an attorney.

(b) File with the administrator of conciliation court the original demand for removal and proof of service thereof. If the opposing party or his attorney cannot be found and service of the demand be made within the ~~ten-day~~ 20 day period, the aggrieved party may file with the administrator within the ~~ten-day~~ 20 day period the original and a copy of the demand, together with an affidavit by himself or his attorney showing that due and diligent search has been made and that the opposing party or his attorney cannot be found and the filing of this affidavit shall serve in lieu of making service and filing proof of service. When such an affidavit is filed, the administrator shall mail the copy of the demand to the opposing party at his last known address.

(c) File with the administrator of conciliation court an affidavit by the aggrieved party or his attorney stating that the removal is made in good faith and not for the purpose of delay.

(d) Pay to the administrator of conciliation court \$6 the fee set by the board of Ramsey County commissioners when the demand is for trial by court, plus \$6 additional when the demand is for trial by a jury of six. The above fee is not payable by the county.

#### Sec. 15. **EFFECTIVE DATES.**

(a) Sections 1 and 5 are effective the day following final enactment.

(b) Section 2 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the governing body of Ramsey County.

(c) Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Section 3 is effective January 1, 1982 without local approval.

(d) Section 4 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the governing body of the city of Minneapolis.

Approved May 29, 1981

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